

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NUVASIVE, INC.

Plaintiff,

v.

TIMOTHY DAY

Defendant.

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No. 1:19-cv-10800-DJC

NUVASIVE, INC.’S MOTION FOR APPOINTMENT OF SPECIAL PROCESS SERVER

NuVasive, Inc. (“NuVasive”) hereby requests that the Court appoint the Essex County Sheriff’s Department, Civil Process Division, at 360 Merrimack Street, Lawrence, Massachusetts, as special process server in this matter for the purpose of levying on the Writ of Execution issued by this Court on August 31, 2022 (ECF No. 266).

As grounds for this Motion, NuVasive states the following:

1. Upon information and belief, the United States Marshals Service for the District of Massachusetts no longer serves private civil process.
2. The proposed special process server is not a party to this action and is at least 18 years of age.

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that the parties have conferred regarding the issues presented herein and that counsel for Timothy Day does not assent to this Motion.

Respectfully submitted,

NUVASIVE, INC.

By its attorneys,

s/M. Thomas McFarland

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CERTIFICATE OF SERVICE

Pursuant to Local Rules 5.2(b)(2) and 5.4 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent by first-class mail to those indicated as non-registered participants, if any, on September 4, 2022.

s/M. Thomas McFarland

M. Thomas McFarland